



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

January 23, 2012

REPLY TO THE ATTENTION OF:

SR-6J

Via Electronic Mail and Certified Mail
Return Receipt Requested

Paul Kysel, President
PINES Group

Exemption 6

RE: Pines Site, Pines, Porter County, Indiana
Administrative Order on Consent Docket No. V-W-04-C-784

Dear Mr. Kysel:

Thank you for your e-mail message of December 7, 2011, requesting information about any clarifications Environmental Protection Agency may provide to Respondents regarding its comments on the risk assessments for the Pines Site including "copies of these communications, clarifications, etc." and "written summaries of these conversations." EPA's letter of September 7, 2011, that communicated its comments on the risk assessments was provided to PINES and EPA intends to continue to provide such final comment letters to the PINES to facilitate its participation under the Technical Assistance Plan (TAP) dated April 5, 2005, as amended. However, EPA does not intend to create records at PINES request where it would not otherwise do so.

The TAP is required by the Administrative Order on Consent (AOC) under Task 10 of its Statement of Work (SOW). EPA is not a signatory to the TAP and does not act as an intermediary for communications between Respondents and PINES. EPA believes it is reasonable and necessary that Respondents and PINES communicate and share information directly with one another to allow for the timely completion of tasks under the TAP. The TAP provides funding to PINES to "hire Technical Advisors, independent from the Respondents, to help interpret and comment on Site-related documents developed under this SOW and through USEPA's issuance of the Record of Decision." Upon approval by EPA, the final documents that PINES participates in reviewing under the TAP are added to the administrative record for the site. Revisions to documents, discussions and clarifications of comments are not important as they are not the final documents that EPA considers or relies upon in forming the basis for its decisions.

Furthermore, PINES's request appears to be beyond the scope of the TAP. Under the TAP, PINES is tasked with reviewing only certain key documents developed under the SOW. There does not appear to be a reason for PINES to be involved in discussions or clarifications of comments on these documents since they will see the final documents after comments have been addressed. The final documents in the administrative record will provide the basis for selection of a response action for the Pines Site.

If you have any questions regarding this matter, please contact me at (312) 886-4442 or ohl.matthew@epa.gov.

Sincerely,

A handwritten signature in black ink, reading "Matthew J. Ohl". The signature is written in a cursive, flowing style.

Matthew J. Ohl
Remedial Project Manager

cc via e-mail:

Chuck Norris
Mark Hutson
Kim Ferraro
Lisa Bradley, AECOM
Tim Thurlow, EPA-ORC
Janet Pope, EPA-CIC